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EXTRACTS FROM THE ORDERLY-BOOK OF MAJOR ROBERT CLAYTON, OF THE SEVENTEENTH REGIMENT BRITISH FOOT, 1778.

[Robert Clayton, born in 1746, was a son of John Clayton and his wife Elizabeth, daughter of Rev. Dr. Goodwin, rector of Tankerley, County York, England. He entered the army as ensign of the Seventeenth Foot (Leicestershire regiment), December 9, 1767, which in 1771 was transferred to Ireland. In July of 1771 he was promoted lieutenant, and in September of 1775 embarked with his regiment for Boston, and after that city was evacuated, sailed for Halifax. He was promoted captain May 1, 1775, participated in all the principal battles which took place in New York, New Jersey, and Pennsylvania, and was taken prisoner at the capture of Stony Point. After being exchanged he was transferred to the army of Earl Cornwallis, in the South, was in the battle of Guilford Court-House, and again made a prisoner on the surrender of Yorktown. From 1784 to 1785 he was stationed in Nova Scotia and Newfoundland, and was promoted major July 27, 1785. In the summer of 1786 he returned to England, and from 1789 to his death in 1839 was major, on half-pay, of the Eighty-second Foot. He was married in 1786 to Christophora, daughter of the Rev. Dr. Baldwin, prebend of Carlisle and rector of Aldingham, but left no issue. On the decease of his brother, in April of 1828, he succeeded to the baronetcy as Sir Robert Clayton of Adlington Hall, County Lancaster. The Orderly-Book from which these extracts are taken was captured at Stony Point and presented by Major William Wayne (a great-grandson of General Anthony Wayne) to Mr. John W. Jordan, and by him to the Historical Society of Pennsylvania.—Ed. Penna. Mag.]

Head Quarters, New York, Augst. 16, 1778.

The Commander in Chief has been pleased to make the following promotions:

The Honble Capt. Charles Cochran of ye King's Own Reg^t^ is appointed Major to Col. Lord Cathcart's Legion.

Head Quarters New York,
October 21, 1778.

Orders.

Lt. Col. Jno. Bayard of the King's Orange Rangers having been tried by the General Court Martial, of which Major

Gen. Vaughan was president, for wounding Lt. Byrd of said regiment, of which wound he died.

The Court are of opinion that the prisoner, Lt. Col. Bayard was not guilty of the murder, but of voluntary manslaughter, in the heat of passion, and therefore judge the prisoner, Lt. Col. Bayard, to be suspended for three months.

But being ordered by Sir William Howe, then Commander in Chief, to revise the proceedings, the Court are of opinion that according to the circumstances this distinction of the law being thoroughly considered they could not have acted otherwise; but laying these distinctions aside and acting entirely as a Military Court, they were of opinion Lt. Col. Bayard was guilty of wounding Lieut. Byrd, of which wounds he died and therefore sentence him to be cashiered as Lt. Col. to the Orange Rangers.

The Judge Advocate General, by order of his Majesty, has signified to his Excellency the Commander in Chief, although the Lt. Col. Bayard was not expressly arraigned upon a charge of murder, yet, as the Court Martial thought the trial to have had [defaced] point particularly in view and has actually declared not guilty of murder, but of manslaughter only, the King considers this declaration of the Court as a complete acquittal of the prisoner of the crime of murder, and his Majesty is pleased to confirm the said acquittal, which seems to be warranted from the evidence. But his Majesty does not think fit to ratify the opinion of the Court by which the prisoner is found guilty of manslaughter, a distinction peculiar to the Common Law of England, nor the judgment of the Court whereby the prisoner is sentenced to be cashiered, but is graciously pleased absolutely to remit the same and to order that the prisoner, Lt. Col. Bayard be released from his arrest.

HEAD QUARTERS NEW YORK, 24th Oct. 1778.

Capt. John McKennon of his Majesty's Battln of Roman Catholic Volunteers, tried by the Genl Court Martial of

which Lt. Col. Ludlow is President, for ungentlemanly behaviour—

first, Plundering in ye Jerseys;

secondly, Suffering himself to be kicked by Capt. McAvoy of the same Corps, without properly resenting it, is found guilty and sentenced to be dismissed from his Majesty's service.

The Comm^r^ in Chief confirms the above sentence.

Capt. Martin McAvoy of the Roman Catholic Volunteers tried by ye above Court Martial for Plundering in ye Jerseys, in taking a horse and cows, and behaving indecently on the Parade, is found guilty and sentenced to be dismissed from his Majesty's service.

The Comm^r^ in Chief confirms the above sentence.

Lieut. Bawswill, of the Maryland Loyalists, tried by the above Court Martial for disobedience of orders, in Plundering and marauding, is found not guilty and therefore acquitted with honor.

The Comm^r^ in Chief confirms ye above sentence.

William Freeman, an inhabitant of Long Island, tried by ye above Court Martial, for endeavouring to seduce some soldiers of ye Loyal American Regiment to desert to the Rebels, the Court is of opinion that he is guilty of ye charge, and that he forfeit the sum of £40. stg., and upon failure of payment of s^d^ sum within four days of the Comm^r^ in Chief's approbation of ye sentence, the Court orders him to receive 1000 Lashes at the Court House, Jamaica.

HEAD QUARTERS NEW YORK, Oct. 25, 1778.

The Commander in Chief has been pleased to appoint the Rev. Mr. Batwell, to be Chaplain to the New York Volunteers.

The Rev. Mr. Field to be Chaplain to DeLancey's Second Battalion.

HEAD QUARTERS NEW YORK, 23^d^ Dec. 1778.

The Commander in Chief has his Majesty's orders to signify to the officers and soldiers of the Army that marched

through the Jerseys from Philadelphia last Campaign His Majesty's Royal Approbation of the intrepidity and perseverance which they displayed during the march, and in the affair of the Rear Guard at Freehold. His Excellency is further directed to express to Lt. Gen. Knyphausen and Earl Cornwallis, Major Gen. Grey and to Brigadier Generals Matthews, Lisle, and Sir William Erskine, and to convey to each of them and particular His Majesty's fullest approbation, which his Excellency the Commander in Chief takes the most publick manner of doing.

HEAD QUARTERS, NEW YORK,
December 28, 1778.

Congress having recalled such British and German officers as are here on Parole, the Commander in Chief in consideration of the long journey, which these gentlemen will be obliged to take, is pleased to order one hundred, sixty five days prize money shall be issued to them on Thursday next. They will please to send their names to the Adjutant General's Office, who will transmit a list of them to Major Brewin, D. Q. M. General.

Capt. Andre, of the 26th Regiment is appointed Aid de Camp to the Commander in Chief.